

ALJ Ruling: 01-0707

This cause comes before the ALJ upon the Second Motion of Peoples Gas Light and Coke Co. pursuant to the July 27, 2004, Protective Order, the ALJ being advised in the premises:

After consideration of the definitions of “proprietary material” and “attorney-client privilege” in the July 27, 2004, Protective Order, the Motion, the Response filed by the City of Chicago and the Citizens Utility Board, and an *in camera* inspection of the documents in question, it is hereby Order that:

A. Documents that appear with the letter “A” after their description shall be kept confidential pursuant to the July 27, 2004 Order,

B. Documents with the letter “B” after their description are not confidential, save for certain redactions, as is provided below:

C. Documents with the letter “C” after their description do not fall within the definitions of “proprietary material” or “attorney-client privilege” in the July 27, 2004 Protective Order, and are therefore, not subject to the penalties imposed by that Order for the release of information:

Deposition Ex 48: 2/16/00 Memo re: Competitive Advantage C

Deposition Ex. 56: Historic Water & Gas production B-p.1 redact the numbers in the cumulative injection column; p. 3 redact the number that appears before MDTH; p. 5 (conclusion) redact the number that appears before MM/day.

Deposition Ex. 57: “Storage Injections” C

Deposition Ex. 71: 5-year Strategic Plan B-Redact the charts that appear on pp. 29, 34, 39, 40, 46, 49, 51, 52 and 66; Redact the numbers on p. 50 in the column “Actual FY 2002”

Deposition Exs. 80, 81:Profit-Sharing Information C

Deposition Ex. 86: “9/01 Plan” C

Deposition Ex. 89: Gas Supply 2000 Business Plan C

Deposition Ex. 87: Seasonal Gas Supply Requirements A

Deposition Ex. 88: handwritten document: A

Deposition Ex. 89: Gas Supply Business Plan C

Deposition Ex. 93: Shareholder Insights C

Deposition (Group) Ex. 95 B- as is set forth below:

“Price Protection Fin. Trading Plan”-redact hedge volumes on p. 2

“Supply Price Protection Strategy” -redact volumes on pp. 2-3

“Supply Protection Execution Plan” –redact volumes on pp. 2-3

Redact the entire page entitled: “Gas Supply Hedge Report”

City/CUB Ex. 2.13-not furnished

Deposition Ex. 17: MW NSS Programs I &II B-as redacted by Counsel

Deposition Ex. 27: Aruba Analysis B-as redacted by Counsel

Deposition Ex. 35: Letter 3/13/02 re refinery gas sale B-as redacted by Counsel

Deposition Ex. 61: PGL-NSG Break-even Analysis B-as redacted by Counsel

Deposition Ex. 62: GPAA B-as redacted by Counsel

Deposition Ex. 63: Amendment to GPAA B-as redacted by Counsel

Deposition Ex. 66: E-mail re: Supply Deal Economic Analysis B- as redacted by Counsel

Deposition Ex. 72: Hermann e-mail 1/31/02 C

Deposition Ex. 73: Patrick-Hermann e-mail 4.20/01C

Deposition Ex. 79: Enron MW NSSII B-as redacted by Counsel

Deposition Ex. 82: Enron e-mail to Kay Classen 12/5/04 B-pp. 1 &2-delete all information in columns entitled “Price”

Deposition Ex. 83: Hermann-Classen e-mail 9/21/00 C

Deposition Ex. 84: "Cash Price at time of Spot Price" B-as redacted by Counsel

Deposition Ex. 90: Refinery Gas Sale and Purchase Agreement: B-as redacted
by Counsel

Deposition Ex. 96: "Indian Summer" B-as redacted by Counsel

Deposition Ex 100: Flow Chart C

Deposition Ex. 101: Flow Chart C

Deposition Ex. 102: 11/01 Flow Chart C

Deposition Ex. 103: 9/01 Flow Chart C

01 PGL 079234: Profit/Loss May 5-31/00 B-as redacted by Counsel

01 PGL 049702: Enron MW Deal Summary B-as redacted by Counsel

01 PGL 043844: enovate LLC Park & Loan info C

01 PGL 042740-23 enovate 2000 Projects C

City/CUB Ex. 1.3: excerpt: Wear Deposition C

City/CUB Ex. 1.8: excerpt: Rodriguez Deposition C

City/CUB Ex. 1.24: Storage Optimization Contract B-as redacted by Counsel

City/CUB Ex. 1.38: Excerpt from PGL/EMW Contract C

City/CUB Ex. 1.39: Agenda 2/21/01 C

City/CUB Ex. 2.11-See Dep. Ex. 72

Electronic document re: Midstream Credit Exposure C